

MEMORANDUM ENDORSEMENT

Hodges v. McGough Enterprises LLC, et al., 23-cv-5016 (NSR)

The Court is in receipt of the attached Letter from Defendants, dated June 14, 2024, making the following requests of the Court: (1) that Plaintiff be deemed *pro se* for failure to inform the Court whether has engaged new counsel; (2) that Plaintiff's relieved counsel be directed to provide Plaintiff's email address to facilitate communications with Defendants; and (3) that the Court set a date for a conference or, in the alternative, be granted leave to file a Motion for Default Judgment on Defendants' Counterclaims and dismissal of Plaintiff's claims for failure to prosecute.

The Court notes that on March 14, 2024, Plaintiff was directed to inform the Court whether he has engaged new counsel or if he intends to proceed *pro se* by April 15, 2024—i.e., within 32 days of the Court's order. (ECF No. 38). Plaintiff's counsel only filed an affidavit of service of that memorandum endorsement on May 14, 2024 that indicated he served Plaintiff on May 1, 2024 and on May 2, 2024. (ECF No. 4). As of today's date, 46 days have passed since Plaintiff was served the Court's order.

As such, the Court:

- (1) deems Plaintiff to be proceeding *pro se* for failure to provide an update to the Court in accordance with its March 14, 2024 order;
- (2) directs Plaintiff's former counsel Jesse S. Weinstein to provide Defendants' and the Court with Plaintiff's most recent physical and email addresses; and
- (3) directs Defendants', upon receipt of the Plaintiff's addresses, to file a letter with the Court and to serve Plaintiff with the letter setting forth the bases for their proposed motions. Plaintiff is then directed to respond to such letter within seven days of receipt.


Counsel Weinstein is further directed to mail a copy of this Memorandum Endorsement to Plaintiff via USPS Priority Mail Express International forthwith and to file proof of service on the docket.

The Clerk of Court is respectfully directed to terminate the motions at ECF Nos. 39 and 41.

DATED: June 17, 2024

White Plains, NY

SO ORDERED:



HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

THE LAW FIRM OF
ADAM C. WEISS, PLLC

3 SCHOOL STREET, STE. 303
GLEN COVE, NEW YORK 11542

TELEPHONE: (516) 277-2323
FACSIMILE: (516) 759-2556
adam@acweisslaw.com
www.acweisslaw.com

June 14, 2024

Via ECF

Judge Nelson Stephen Román
Southern District of New York
300 Quarropas St., Courtroom 218
White Plains, NY 10601-4150

Re: *Hodges v. McGough Enterprises, LLC, Et al.*
Case No.: 7:23-cv-05016-NSR

Your Honor:

We represent Defendant/Counterclaim Plaintiff, Meagan McGough ("Defendant"), in the above-referenced action. The purpose of this letter is multi-fold.

First, Plaintiff Hodges failed to obey the Court's Order to the extent that he was directed to inform the Court on or before April 15, 2024 whether he has engaged new counsel or if he intends to proceed *pro se*. Plaintiff has not done so and should be deemed a *pro se* litigant.

Second, we respectfully request that Plaintiff's relived counsel be ordered to provide Defendant with Plaintiff's email address and that such service be deemed approved so that we can correspond with him easier than having to send International Federal Express letters to the UK and Thailand.

Third, we respectfully renew our request that an in person conference be scheduled at the Court's convenience to resolve these issues and that Plaintiff be required to attend to get this matter back on track. Alternatively, Defendant respectfully requests permission to move for a default judgment on her counterclaims and to dismiss Plaintiff's claims for failure to prosecute.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'ACW', written in a cursive, flowing style.

Adam C. Weiss

THE LAW FIRM OF
ADAM C. WEISS, PLLC

Ltr to Judge Roman
June 14, 2024
Page 2 of 2

cc: Jesse Weinstein, Esq.
Jamie Hodges